CMPMO No.91 of 2007.

15.5.2007. Present: Mr. R.K.Bawa, Senior Advocate,
with Mr. Rajpal Thakur, Advocate,
for the petitioners.

A perusal of the impugned order dated 22nd March, 2007 passed by the learned Civil Judge (Junior Division), Shimla clearly shows that the petitioners-defendants were totally careless and grossly negligent in not producing their evidence on any of the three dates given for this purpose to them by the learned Court below and in normal course I should have dismissed this petition by upholding the impugned order. In the interest of justice, however, I set aside the impugned order by granting one, only one opportunity to the petitioners-defendants to produce their entire evidence on their self-responsibility in the learned trial Court on the next date fixed in the case there. This is, however, subject to the petitioners paying to the respondent-plaintiff Rs.5,000/- as costs.

This order has been passed in the absence of the respondent for very very expeditious disposal of the suit. If, however, the respondents feel aggrieved by

the passing of this order, they are at liberty to approach this Court for the recall of this order.

The petition is disposed of.

CMP No.286 of 2007.

In view of the disposal of the main petition, this application shall stand dismissed.

Dasti copy on usual terms.

15th May, 2007. (V.K. Gupta), C.J.
(tr)